



March 27, 2012

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: IB Docket No. 11-109
Comment on NTIA Letter Regarding LightSquared Conditional Waiver

Dear Chairman Genachowski,

I urge the Federal Communications Commission not to vacate LightSquared's *Conditional Waiver Order* or to suspend the company's Ancillary Terrestrial Component (ATC) authorization. Such action is highly preemptive and dismisses other credible, workable options for launching a satellite or terrestrial-only mobile broadband network. It would also halt much needed investment in mobile broadband, costing jobs and economic growth, and it runs counter to recommendations in the Commission's own National Broadband Plan.

While the FCC asserts that resolving interference issues with GPS have "no realistic prospect of being successfully completed...in a reasonable period of time," not all options have been exhausted or even considered.ⁱ Operating a terrestrial network at low power with only LightSquared's lower 10 MHz of spectrum "showed significant improvement" to interference issues, according to the Commission.ⁱⁱ While the National Telecommunications and Information Administration (NTIA) was skeptical this would resolve issues for select GPS receivers, they repeatedly conceded that some network configurations would not cause interference and that an honest assessment could not be made without more GPS product information.ⁱⁱⁱ

Before the Commission completely vacates the *Conditional Waiver Order* or suspends LightSquared's ATC authorization, other options for LightSquared to launch a network can and should be considered. Additional time could yield a network configuration that works alongside GPS. The Commission could also work with LightSquared, NTIA, and other federal agencies to find or swap spectrum outside the 1525-1559 MHz band that is suitable for LightSquared's needs. And, as NTIA noted in their letter to the Commission, GPS devices "may be able to mitigate these issues via new technology in the future."^{iv}

Ending LightSquared's chances at launching a network without exhausting other options – or even assisting in finding options – is a drastic and unwarranted move by the Commission. In addition to already beginning a multi-billion dollar network build-out with the Commission's early blessings, the company has complied with numerous conditions and regulations.

Not only does the decision run counter to the recommendations outlined in the National Broadband Plan, but this proceeding deadline comes days after the Commission's *Notice of Proposed Rulemaking* that proposes flexible use of Mobile Satellite Service (MSS) spectrum for mobile broadband.^v This is precisely the type of terrestrial service that LightSquared hopes to offer.

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Coordinating spectrum licenses is one of the oldest and most fundamental missions of the FCC. Taking proactive steps to avoid this responsibility by vacating prior decisions calls into question the bureaucratic control over our nations airwaves. This proceeding – regardless of outcome – signals yet again the need for a flexible, market-based approach to spectrum that more accurately reflects property rights.

To the extent that the current system ensures property rights for spectrum, GPS receivers could be in violation of the law.^{vi} Unlicensed receivers are not permitted to cause harmful interference or else “that interference must be accepted.” In this instance, interference is not caused by LightSquared’s network, but by GPS receivers, which have failed to adequately filter the bands licensed to LightSquared.

Halting private infrastructure investment and a new, competitive market entrant by regulatory fiat is unwarranted. The cost of the Commission’s proposal will be apparent, not just to consumers, but also in the loss of economic growth and job creation that would otherwise result from launching a new, innovative wireless network.

I urge the Commission not to vacate the *Conditional Waiver Order* or suspend LightSquared’s ATC authorization until all solutions to avoid GPS interference issues have been resolved.

Onward,



Grover Norquist
President, Americans for Tax Reform

ⁱ Federal Communications Commission, *Public Notice*, “International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver”, IB Docket No. 11-109. February 15, 2012. Pg. 4.

ⁱⁱ Federal Communications Commission, *Public Notice*, “Status of Testing in Connection with LightSquared’s Request for ATC Commercial Operating Authority.” IB Docket No. 11-109. September 13, 2011.

ⁱⁱⁱ Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, U.S. Dept. of Commerce, to Julius Genachowski, Chairman, FCC. February 14, 2012. <<http://apps.fcc.gov/ecfs/document/view?id=7021860324>>

^{iv} Ibid, pg. 1.

^v Federal Communications Commission, Notice of Proposed Rulemaking and Notice of Inquiry, WT Docket No. 12-70, ET Docket No. 10-142, WT Docket No. 04-356. March 21, 2012.

^{vi} See 47 C.F.R. Section 15.5(b)